

In re application of:

YOUNG *et al.*

Serial No.: 09/237,291

Filing Date: January 25, 1999

For: ***Expanded and Genetically Modified
Populations of Hematopoietic Stem
Cells***

Examiner: MONTANARI, David

Art Unit: 1632

Confirmation No: 9391

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence, including listed enclosures, is being electronically transmitted in Portable Document Form (PDF) through EFS-Web via Hyper Text Transfer Protocol to the United States Patent and Trademark Office's Patent Electronic Business Center on:

Dated: September 25, 2007

Signed: Ann-Ellice Parker
Ann-Ellice Parker

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON EVIDENCE THAT
A REPLY WAS TIMELY FILED UNDER 37 CFR §1.81(a) and 1.81(b)**

Sir:

Applicants hereby petition for the withdrawal of the holding of abandonment in the above identified patent application. Applicants recently became aware of a Notice of Abandonment dated June 26, 2007, which was mailed to the address of former representatives of this case. The Notice was based on Applicants' alleged failure to respond to an Advisory Action mailed February 21, 2007. This Advisory Action followed a Final Office Action, mailed July 26, 2006, and the Advisory Action was also mailed to the address of the former representatives.

Applicants contend that the above identified patent application is not in fact abandoned as Applicants filed a response to the July 26, 2006 Office Action on January 26, 2007, along with a Petition for a three month Extension of Time and a Request for Continued Examination. Applicants filed the response electronically and paid extension fees as well as RCE fees. Applicants received an immediate acknowledgement that the response had been received by the U. S. Patent and Trademark Office.

This petition is being filed promptly after Applicants' becoming aware of the Notice Of Abandonment.

Additionally, under 37 CFR 1.8(b):

(1) Applicants respectfully submit an additional copy of the correspondence and certificate filed January 26, 2007; and

(2) Applicants include herein is a copy of the electronic acknowledgement, which attests to the previous timely transmission. While the acknowledgement does not specifically list the filed RCE, the fact that an RCE was filed is evident from the page count. That is, a seven (7) page response, a one (1) page petition for extension of time and a one (1) page RCE were submitted while the acknowledgement indicates that nine (9) pages were submitted. Moreover, the electronic acknowledgement supports the following statement:

STATEMENT:

The undersigned attests on a personal knowledge basis that the above-referenced correspondence, that is, a seven (7) page response, an RCE and a petition for a three month extension of time were electronically transmitted in Portable Document Form (PDF) through EFS-Web via Hyper Text Transfer Protocol to the United States Patent and Trademark Office's Patent Electronic Business Center on January 26, 2007.

Signed: Ann-Ellice Parker
Ann-Ellice Parker

Applicants believe no further fees are due. However the Commissioner is authorized to charge any fees that might be due to Deposit Account 502319, Our File: 187469/US/3 (474515-00072)

Date:

9/25/07

Respectfully submitted,

By: Todd A. Lorenz

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